

Appl. No. 09/706,294
Amdt. dated September 22, 2003
Reply to Office Action of July 2, 2003

Remarks

Claims 1, 2, 4-7, 10, 11, 13-16, 19, 20, 22-25, 28, 29 and 31 are pending in the instant application. In the Office Action mailed July 2, 2003, the Examiner rejects claims 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 and objects to claims 13, 22 and 31. By virtue of the amendments made above, claims 1, 14 and 23 are amended; claims 13, 22 and 31 are canceled. The amendments to the claims are supported by page 16, lines 20-23; page 17, lines 16-21 and other portions of the Specification as filed. Based on the amendments and remarks made herein, Applicants respectfully request that the rejections be withdrawn and that the application be passed to allowance.

1. Rejection of Claims 1, 2, 4-7, 10, 11, 14-16, 19 and 20 under 35 U.S.C. § 102(b) and Rejection of Claims 23-25 and 28-29 under 35 U.S.C. §103(a)

In the Office Action mailed July 2, 2003, the Examiner maintains her rejection of claims 1, 2, 4-7, 10, 11, 14-16, 19 and 20 under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,624,429 issued to Long et al. (hereinafter "the Long patent"). The Examiner also maintains her rejection of claims 23-25 and 28-29 under 35 U.S.C. §103(a) as being unpatentable over the Long patent. These rejections are respectfully **traversed**. Additionally, the Examiner objects to Claims 13, 22, and 31 as being dependent upon a rejected base claim. However, the Examiner indicates that Claims 13, 22 and 31 would be allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claim. Applicants appreciate the Examiner's acknowledgement of the allowable subject matter.

The Examiner renews the grounds for rejection that she made in the Office Action mailed January 14, 2003. The Examiner also responds to the arguments and amendments made in Applicants' response filed April 9, 2003. Looking at Fig. 5 of the Long patent, the Examiner believes the second side margin (56) is releasably attached to the front waist to form a releasable joint. The Examiner believes the Long patent discloses the use of fasteners (54) located in the second side margin and where the releasable joints include the fastener (54) and two other releasable bonds (100, 102, Fig. 5). With respect to Claims 12 and 21, the Examiner believes the hook and loop type fasteners to be a releasable bond.

Independent claims 1, 14 and 23 have been amended to indicate that the articles of the present invention include a releasable joint that is provided by a fastener and one or more releasable bonds wherein the one or more releasable bonds are adhesive, thermal, cohesive,

Appl. No. 09/706,294
Amdt. dated September 22, 2003
Reply to Office Action of July 2, 2003

ultrasonic, or any other bond which becomes destroyed upon first disengagement. (see page 16, lines 20-23 and page 17, lines 16-21 of the Specification as filed). The Long patent does not disclose articles that have a releasable joint provided by a fastener and one or more releasable bonds wherein the one or more releasable bonds are adhesive, thermal, cohesive, ultrasonic, or any other bond which becomes destroyed upon first disengagement. For at least these reasons, the Long patent does not disclose or suggest each and every aspect of the claimed invention.

In view of the above amendments and remarks, reconsideration and withdrawal of the rejections of claims 1, 2, 4-7, 10, 11, 14-16, 19, 20, 23-25, 28 and 29 under 35 U.S.C. §102 and §103 are respectfully requested. Moreover, it is respectfully submitted that all of the presently presented claims are in form for allowance and such action is earnestly solicited.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

The undersigned may be reached at: 920-721-2433.

Respectfully submitted,
JENNIFER E. POZNIAK ET AL.

By: Alyssa A. Dudkowski
Alyssa A. Dudkowski
Registration No.: 40,596

RECEIVED
CENTRAL FAX CENTER

SEP 23 2003

OFFICIAL

CERTIFICATE OF FACSIMILE

I, Barbara D. Miller, hereby certify that on September 22, 2003, this document is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 to RightFax number 703-872-9302.

By: Barbara D. Miller
Barbara D. Miller